## REMARKS

The Office Action of April 19, 2006 has been carefully studied.

To expedite prosecution, claims 2, 4, 13 and 21 have been cancelled, resulting in claims 1, 2 and 4 being combined to form amended independent claim 1 and claims 20 and 21 being combined to form amended independent claim 20. The claims formerly dependent on claims 2, 4, and 21 are now amended to depend on claims 1 and 20, as appropriate. Claims 24-28 have been added to provide Applicants with the protection to which they are deemed entitled.

Claim 1, as amended, distinguishes over the combination of St. Pierre et al., U.S. Patent 6,959,368 and Huai et al., U.S. Patent 5,673,381, previously relied on to rejection claims 1-23. Amended claim 1 requires, *inter alia*, at least one mirroring backup media agent that comprises plural further buffer memories and a further program module for writing data from the further buffer memories to a secondary storage device assigned to the at least one mirroring backup media agent. A sub-set of buffer memories of a backup media agent is coupled in a daisy chain configuration to at least a sub-set of the further buffer memories of the mirroring agent. Many of the foregoing limitations were included in claim 4, as previously presented, except that claim 4 stated that the sub-set of buffer memories of backup media were coupled in a daisy chain configuration to at least a sub-set of the buffer memories of the backup media agent, instead of the mirroring agent, as now required by claim 1.

The rejection of former claim 4 stated that the claim was rejected on the same rationale as the rejection of claims 1 and 2. However, neither claim 1 nor claim 2 included

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any limitations about mirroring agents. Hence, the Office Action failed to attempt a *prima facie* case of obviousness with respect to claim 4. Based on the foregoing, amended claim 1 is patentable over the applied art, as are the claims dependent thereon, i.e., claims 3, 5-10.

In addition, the comments in the Office Action concerning claim 5 are patently incorrect. The Office Action states mirrored buffer duplicated in amended claim 1 reads on the St. Pierre et al. backup storage medium 28D. However, the rejection of claim 1 states that the buffer is memory 34 and/or logic data output stream 44 of St. Pierre et al. Hence, the statements concerning claim 5, and the mirrored duplicated buffer are inconsistent with the rejection of claim 1.

Concerning claim 6, there is no disclosure in St. Pierre et al. of mirrored buffer media agents coupled in a cascaded configuration for providing first and second mirroring levels.

With regard to claim 7, St. Pierre et al. has no disclosure of a restored media agent including plural buffer memories and a program module for reading data objects from any of backup storage media 28A-28E. Further, St. Pierre et al. fails to disclose the claim 8 requirement for a restored group having plural restore media agents or the limitation of claim 9 requiring a copy group to have plural backup media agents. St. Pierre et al. also fails to disclose the claim 10 requirement for plural client computer systems. In St. Pierre et al., there are plural work items of client computer 14; see column 1, lines 55-59.

Independent claim 11 requires a configuration file for defining a configuration of buffer memories for providing at least one level of data mirroring. The Office Action states claim 11 is rejected on the same basis as claim 1. However, claim 1, as previously

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submitted, said nothing about data mirroring. Hence, this statement is patently incorrect. The Office Action refers to column 4, lines 30-65 in connection with claim 11. However, column 4, lines 30-65 of St. Pierre et al. refers to backup catalog 34 and backup media file system 30. There is nothing in this portion of St. Pierre et al. that mentions data mirroring.

The rejection of independent claim 12 states the claim is rejected under the same rationale as in the rejection of claim 11. However, claim 12 mentions nothing about data mirroring. Instead, claim 12 recites a configuration file for defining a daisy-chain configuration of the buffer memories. The Office Action fails to consider this limitation.

Claim 14 is concerned with a memory storing a computer program for controlling a computer system for providing a user interface. The computer program includes instructions for enabling a user to enter a specification for a configuration of buffer memories of a backup system. The Office Action fails to consider this limitation, and says the claim is rejected on the same rationale as in the rejection of claims 1 and 12. However, claims 1 and 12 do not include such a limitation.

Claims 15-19 depend on claim 14, and are allowable therewith. In addition, claim 15 indicates the instructions enable a user to specify a daisy-chain configuration of the buffer memories. The rejection of claim 15 is stated to be on the same rationale as the rejection of claims 1 and 11. However, claims 1 and 11 say nothing about instructions enabling a user to specify a daisy-chain configuration.

The rejection of claim 17 states it is based on the same rationale as in the rejection of claim 4. However, claim 17 requires the instructions of claim 14 to enable a user to enter a mirror group comprising plural buffer memories and a program module for writing data from the buffer memories to a secondary storage device assigned to the mirroring

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media agent, and for specifying coupling of at least one sub-set of the buffer memories of the mirroring backup agents. There is nothing in claim 4 about any user instructions.

Claims 18 and 19 indicate the instructions of claim 14 enable a user to enter a restore group (claim 18) and at least one copy group (claim 19). The Office Action states these claims are rejected on the same rationale as the rejection of claims 7 and 5, respectively. However, there is nothing in claim 7 or claim 5 about user instructions.

Claim 20, as amended to include the subject matter of former claim 21, requires the sub-set of buffer memories in the daisy-chain configuration to be coupled prior to the data object being read from the buffer memories. The Office Action states former claim 21 is rejected on the same rationale as the rejection of claim 1, and that Figure 4 shows the buffers are allocated for work items in a backup trail and duplicated trail by the backup media file system manager 24B before the duplication is performed. Firstly, there is nothing in claim 1 about the sub-set of buffer memories in the daisy-chain being coupled prior to the data objects being read from the buffer memories. In addition, Figure 4 does not show buffers that are allocated for work items in a backup trail and duplicated trail before the duplication is performed. The Examiner is requested to indicate the basis for such a statement.

Concerning the rejection of claims 22 and 23, the Office Action states the claims are rejected on the same rationale as the rejection of claim 1. However, there is nothing in claim 1, as previously presented, about mirroring stages or copying stages.

The newly submitted claims are clearly patentable over the previously applied art because they define combinations of elements not disclosed or made obvious by the previously applied art.
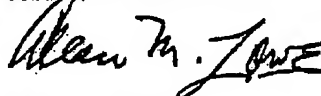
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**Application No.: 10/697,948**          **Docket No.: 200309856-2 US (1509-454)**

In view of the foregoing amendments and remarks, favourable reconsideration

and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136

is hereby made. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to Deposit Account 08-2025, and please credit

any excess fees to such deposit account.

Respectfully submitted,

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